

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 13-20271

Judge: Denise Page Hood

V.

LEON TRENTON-GERALD BINFORD,

Defendant.

AMENDMENT TO PRELIMINARY ORDER OF FORFEITURE

An Indictment was filed on or about April 9, 2013, which charged Defendant Leon Trenton-Gerald Binford (“Defendant”) with Felon in Possession of a Firearm, a violation of 18 U.S.C. § 922(g)(1) (Count 1); Possession With Intent to Distribute a Controlled Substance, a violation of 21 U.S.C. § 841(a)(1) (Count 2); and Possessing a Firearm in Furtherance of a Drug Trafficking Crime, a violation of 18 U.S.C. § 924(c) (Count 3).

The Indictment also sought criminal forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) of any firearm and ammunition involved in or used in the knowing commission of the offenses.

On or about January 17, 2014, a jury found Defendant guilty of committing Counts 1 and 2 of the Indictment (Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1), and Possession With Intent to Distribute a Controlled

Substance, in violation of 21 U.S.C. § 841(a)(1), respectively).

On or around March 26, 2014, this Court entered a Preliminary Order of Forfeiture (*Dkt. #70*) forfeiting all of the defendant's right, title or interest in the following:

- One (1) Walter PPK .380 Caliber Handgun, Serial Number: 4537BAH; and
- Eight (8) Rounds of Speer Ammunition, Caliber .380.

On or around May 13, 2014, the Defendant was sentenced and the forfeiture of the above referenced weapon and ammunition was included in the Defendant's Judgment (*Dkt. #81*). The Preliminary Order of Forfeiture became final as to Defendant at sentencing pursuant to Fed.R.Crim.P. 32.2(b)(4)(A).

The government has requested that the Preliminary Order of Forfeiture be amended so that the government can return the Walter PPK .380 Caliber Handgun, Serial Number: 4537BAH ("Firearm") to Derrick Hardaway.

The government has provided notice of the Preliminary Order of Forfeiture to third parties as required by statute and no person other than Derrick Hardaway has made a claim of ownership with regard to the Firearm.

The Court finds there is good cause to amend the Preliminary Order of Forfeiture, and therefore, it is ORDERED that the Preliminary Order of Forfeiture is amended as follows:

The right, title and interest of Derrick Hardaway in the Walter PPK .380 Caliber Handgun, Serial Number: 4537BAH, is not forfeited to the United States, and the government may return the Walter PPK .380 Caliber Handgun, Serial Number: 4537BAH, to Derrick Hardaway.

IT IS SO ORDERED.

Dated: September 23, 2014

s/Denise Page Hood
United States District Judge